

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANNY M. SINGSON,

No. C 09-5023 SI and C 11-1863 SI

Plaintiff,

**ORDER DENYING PLAINTIFF'S  
UNTIMELY REQUEST TO AMEND  
JURY INSTRUCTIONS**

v.

CITY OF MILLBRAE, *et al.*,

Defendants.

On May 3, 2012, plaintiff filed "Plaintiff's Proposed Amendment to Jury Instructions." Docket No. 114 in C 11-1863 SI. The jury began their deliberations on May 1, 2012. Plaintiff asserts that "in light of the recent jury question [on May 3, 2012] and review of the jury instructions the plaintiff believes there is ambiguity in the jury instructions that requires revision," and that the jury should be instructed that plaintiff needs to establish only one act of retaliation to establish liability. Docket No. 114 at 1:21-22 (C 11-1863 SI).

The Court DENIES plaintiff's request to amend the jury instructions. Plaintiff's request is untimely, and plaintiff has waived this objection as plaintiff did not raise this issue prior to the Court instructing the jury on the final jury instructions. The Court also finds no error in the instructions as given. Finally, the Court finds that providing the amended instruction during the middle of jury deliberations would be highly prejudicial to defendants.

**IT IS SO ORDERED.**

Dated: May 3, 2012



SUSAN ILLSTON  
United States District Judge